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Appl. No. : 09/259,991

Confirmation No. 5948

Appl. No. Bar Code :



Applicant : Mahne

Filed : 03-01-1999

TC/A.U. : 2134

Examiner : Smithers

Docket No. : M000-P02003US

Customer No. : 33356

Customer No. Bar
Code :



PTO Fax Number: : 703/746-7238

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on February 5, 2004 at 4:40pm PST.

By: _____

Joel G. Landau

List of Papers Enclosed:

1. Reply Brief, 5 pages

Total Pages: 6

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FEB 05 '04 16:39

PAGE 1/7 * RCVD AT 2/5/2004 7:39:58 PM [Eastern Standard Time] * SVR:USPTO-EFAX-2/1 * DNIS:7467238 * CSID:+1 805 230 1355 * DURATION (mm-ss):03-24

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2/12/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following Reply Brief is submitted in response to the Examiner's Answer mailed 1/28/2004. The following Reply Brief is submitted in triplicate pursuant to 35 C.F.R. § 1.192 for consideration by the Board of Appeals and Interferences.

I. RELATED APPEALS AND INTERFERENCES

The Examiner stated in relevant part:

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

This is incorrect. The Appeal Brief made the explicit statement, "There are no Appeals or Interferences which will affect or be affected by the outcome of this Appeal."¹

II. GROUPING OF THE CLAIMS

In view of the Examiner's Answer, it appears appropriate to combine Groups A, C and D.

III. REPLY TO EXAMINER'S ANSWER

The Examiner's Answer simply restates previously presented arguments and says nothing new. The Examiner is to be applauded for his resoluteness. Yet, the Examiner still has not addressed the arguments as to why his position is incorrect.

¹ The Examiner appears to have also overlooked a clear grammatical error at the end of the first sentence quoted which makes the sentence ambiguous.

With regard to Groups A, C and D and claims 59, 68-73, 75 and 79, the Examiner asserted that Hsu shows a key value appended to an enode structure of a file, and the file system must prove the existence of the enode structure prior to allowing a read or write operation. Even if this were correct, the Examiner has failed to show how Hsu discloses the following claimed steps:

inputting a decryption key with a decryption key value;
validating the decryption key value with the key value associated
with the file identifier.

It appears that the Examiner considers testing for the *presence* of an enode structure to be a disclosure of the claimed "validating" step. Yet, the Examiner has not shown how Hsu discloses, teaches or suggests that a decryption key value is *validated* with a key value associated with a file identifier. Testing for the presence of an enode structure falls well short of validating an inputted decryption key value with a key value associated with a file identifier.

The Examiner's Reply Brief includes a material error which renders his argument baseless. In the first full paragraph of Page 4 of the Reply Brief, the Examiner concedes that the user entered password key is not the decryption key. However, the Examiner states that Hsu's validation process compares "the contents of the enode structure with the specific key value (Hsu, column 14, lines 53-58)." In fact, Hsu, at column 14, lines 53-58 discusses validation with reference to the "specific encrypted password key," not the "specific key value." Simply stated, Hsu validates with the user entered password key, not the decryption key. Therefore, the Examiner's argument is without merit.

With regard to Group B and claims 76 and 78, it is interesting to see what the Examiner does not say. Firstly, the Examiner does not dispute the argument in the Appeal Brief that Brundrett does not disclose, teach or suggest the claimed "generating" step. Secondly, the Examiner does not dispute that combining Hsu with Brundrett is improper because the combination would destroy Brundrett's intended function. As to the Examiner's arguments regarding Hsu and the claimed "generating" step, the Examiner has failed to address Hsu's deficiencies.

IV. INFORMATION DISCLOSURE STATEMENT

The Examiner did not respond to the request that the information disclosure statement be considered.

V. CONCLUSION

In view of the foregoing and the arguments asserted in the Appeal Brief filed 11/12/2003, it is believed that all claims patentably define the subject invention over the prior art of record and are in condition for allowance. It is therefore requested that the Board overturn the rejection of all claims and hold that all of the claims of the above referenced application are allowable.

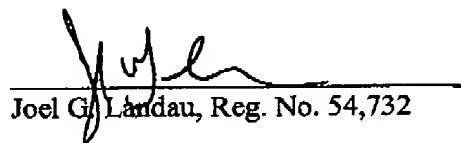
Respectfully submitted,

SoCal IP Law Group

Date: February 5, 2004



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